

## ORDINANCE NO. 247

### AN ORDINANCE FURTHER DEFINING AND REGULATING GAMBLING USES AND AMENDING CHAPTERS II AND IV OF THE DEVELOPMENT CODE

WHEREAS, gambling has the potential for secondary social and economic impacts on the community and business environment; and

WHEREAS, the City has the ability to prohibit gambling uses under its police power to regulate land use under RCW Chapter 35A.64, RCW 9.46.295 and 67.16.200 (2); and

WHEREAS, it is necessary to prohibit new gambling establishments for the preservation of public safety and welfare and that legally existing gambling uses be restricted as nonconforming uses;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:**

#### **Section 1. New Section:**

Adding a definition for gambling in Chapter II, Definitions to read as follows:

**Gambling:** Staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. Gambling includes those uses regulated by the Washington State Horse Racing Commission and the Washington State Gambling Commission with the following exceptions as these uses are defined in Chapter 9.46 RCW:

- Punch boards and pull tabs
- Bingo and Joint Bingo Games operated by bona fide not for profit organizations
- Commercial Amusement Games
- Raffles
- Fund Raising Events
- Business Promotional contests of chance
- Sports pools and turkey shoots
- Golfing and bowling sweepstakes
- Dice or Coin games for music, food, or beverages
- Fishing derbies
- Bona fide business transactions
- Activities regulated by the state lottery commission

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**Section 5. Amendment:**

The Shoreline Development Code Table 2 Non-Residential Uses Chapter IV, shall be amended to delete regulations addressing card rooms and add regulations for gambling, as follows:

**Table 2. Non-Residential Uses**

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	NB & O	CB	RB & I
	Retail/service type						
722	Eating and Drinking Establishments (Excluding Card Rooms) (Excluding Gambling)	C	C	C	P	P	P

**P = Permitted Use**

**S = Special Use**

**C = Conditional Use**

**-i = Indexed Supplemental Criteria**

**Section 6. Amendment:**

The Shoreline Development Code Chapter IV, Zoning and Use Provisions Section (3) Index of Supplemental Use Criteria, shall be amended to delete regulations for card rooms, as follows:

**-E-**

**Eating and Drinking Establishments**

Eating and drinking establishments are permitted in residential zones R-4 through R-48 only by Conditional Use Permit and permitted in NB, O, CB, and RB zones, provided gambling as defined in this Code is not permitted.

- ~~1. Card rooms are not permitted.~~
- ~~2. Expansion of a nonconforming card room shall be subject to approval and issuance of a Special Use Permit;~~
- ~~3. Minimum off street parking for commercial eating and/or drinking establishments licensed by the State Gambling Commission to conduct social card games (card rooms) shall be 1 parking space per 75 square feet in dining or lounge areas, plus 5 parking spaces per card table.~~

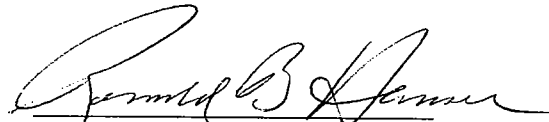
**Section 7. Repealer.** Ordinance No. 233, which prohibits new pari-mutuel off-track betting facilities as a principle use, or accessory use to existing commercial establishments, is repealed upon the effective date of this Ordinance.

**Section 8. Severability.** Should any section, paragraph, sentence, clause or phrase of this regulation, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this regulation be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this regulation or its application to other persons or circumstances.

**Section 9. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

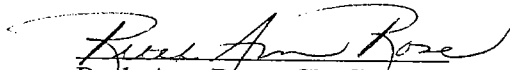
**Section 10. Repealer.** This ordinance shall be repealed and amendments herein shall have no force or effect if this ordinance is not readopted or amended within three months from its effective date.

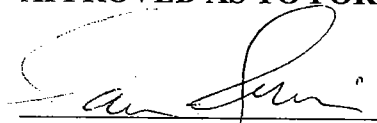
**PASSED BY THE CITY COUNCIL ON SEPTEMBER 18, 2000.**

  
Deputy Mayor Ronald B. Hansen

**ATTEST:**

**APPROVED AS TO FORM:**

  
Ruth Ann Rose, CMC  
Deputy City Clerk

  
Ian Sievers  
City Attorney

Date of Publication: September 22, 2000  
Effective Date: September 27, 2000